



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 11/22/05

AGENDA ITEM 5

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Appeal of Planning Commission Denial of Use Permit No. PL-2005-0249 and Variance No. PL-2005-0250 – St. Michaels Investment, L.P., et al (Applicant/Owner) – Request to Construct a Public Self-Storage Facility With a Variance to Construct a Building on a Property Line Abutting a Mobile Home Park Where a 20-Foot Yard is Required - The Project Is Located at 28410 Hesperian Boulevard

RECOMMENDATION:

It is recommended that the City Council find the project statutorily exempt from California Environmental Quality Act (CEQA) and deny the use permit and variance subject to the attached findings.

DISCUSSION:

The applicant proposes to build a storage facility within an Industrial (I) District. The Eden Rock Mobile Home Park abuts the property to the north and east and industrial uses abut the property to the south. All uses in the Industrial District that abut properties zoned for residential uses or mobile home parks are required to obtain approval of an Administrative Use Permit. This allows the City to evaluate whether the proposed use is in maximum harmony with the adjacent uses. A 20-foot setback is required for improvements on the industrial property where it abuts a residential property.

Staff agrees that a self-storage use is a low impact use and would be a good transition use between industrial and residential uses. However, the developer is asking for a variance to construct a building on the property line adjacent to the mobile home park where the 20-foot setback is required. The developer contends that the 10-foot high building on the property line would be similar to a wall along the property line. However, this would put the industrial building against the rear line of 11 mobile home lots. The required setback would provide adequate light and air for the residents, and trees planted within the landscaped area would create a more aesthetically pleasing buffer between the two uses. The wall or fence separating the two uses would be no taller than 8 feet and could be an open metal decorative fence to allow the residents enjoyment of the landscape buffer.

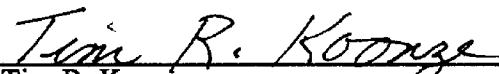
At its meeting of September 28, 2005, the Planning Commission denied the project without prejudice (6:0:1 absent). Commissioners expressed the wish for the project to come back before them with the required 20-foot setback. One commissioner suggested that an open decorative fence be installed along the property line so that the mobile home residents could visually enjoy the landscaping; staff agrees this would make a better project.

The developer obtained ten letters of support for this project (see Exhibit C) from the adjacent mobile home park residents. However, in exchange, the applicant promised that each resident would receive a \$1,000 landscape allowance, free use of a storage unit for one year, and limited customer access time to the storage facility to reduce noise impacts. A common concern in the letters of support was to maintain adequate satellite reception even though the developer proposed to construct a building against the property line. Providing the 20-foot building setback would have less of an impact on satellite reception than a building constructed on the property line.


The landscape allowance promised by the developer was offered with the intent of the adjacent residents enhancing the landscaping in their own rear yards; however, some of the mobile homes are as close as 10 feet from the property line. It is not possible within that space to create both an adequate landscape buffer and retain usable open space. In addition, there is no requirement that the allowance be used for landscape. The ordinance appropriately applies the requirement for the landscape setback to the property being developed. The property is large enough for the developer to provide the 20-foot setback from the mobile home park and construct a somewhat smaller project on the remainder of the site.

Staff does not believe findings can be made to grant the requested variance. The property does not possess any special circumstances as it is a flat rectangular parcel without any physical constraints. The City has not before issued a variance to allow an industrial building to be located on a property that abuts a mobile home park; therefore, the developer would not be deprived of a privilege enjoyed by others, and the granting of this variance would provide a special privilege inconsistent with the limitations put upon other properties in this vicinity.

Prepared by:


Tim R. Koonze
Assistant Planner

Recommended by:


Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:


Jesús Armas, City Manager

Attachments:	Exhibit A:	Planning Commission Staff Report and Meeting Minutes, dated September 22, 2005
	Exhibit B:	Appeal Letter, dated October 3, 2005
	Exhibit C:	Letters of Support
		Plans
		Draft Resolution

11/8/05



CITY OF HAYWARD AGENDA REPORT

Meeting Date 09/22/05Agenda Item 4

To: Planning Commission

From: Tim R. Koonze, Assistant Planner

Subject: Use Permit No. PL-2005-0249 / Variance No. PL-2005-0250 – St. Michaels Investment, L.P., et al (Applicant/Owner) – Request to Construct a Public Self-Storage Facility with a Variance to Construct a Building on a Property Line Abutting a Mobile Home Park where a 20-Foot Yard is Required

The Project is Located at 28410 Hesperian Boulevard in an Industrial Zoning District

RECOMMENDATION:

That the Planning Commission find the project statutorily exempt from California Environmental Quality Act (CEQA) review and deny the use permit and variance subject to the attached findings.

DISCUSSION:

The property is within an Industrial (I) district. The site has been used as a junk yard and a recreational vehicle storage yard but is now vacant. A mobile home park abuts the property to the north and east and industrial uses abut the property to the south. A single-family neighborhood is located to the west across Hesperian Boulevard.

The applicant proposes to deconstruct several buildings and remove several trees and build a storage facility. It would include a two-story manager's office, and an apartment and parking area located near Hesperian Boulevard. A single-story U-shaped building would be located around the perimeter of the property encompassing a three-story building located in the center of the property. A 24-foot-wide driveway would separate the buildings and provide access to the storage units.

All uses in the industrial district that abut properties zoned for agricultural, open space, commercial, and residential uses or mobile home parks are required to obtain approval of an administrative use permit. This requirement allows the City to evaluate whether the proposed use is in maximum harmony with the adjacent uses.

The developer and staff agree that a self-storage use is a low impact use and would be a good transition use between industrial and residential uses. However, the developer is asking for a variance to construct the property line where a 20-foot setback is required. It is staff's opinion

that the development should respect the setback required by the Zoning Ordinance that was designed to provide adequate separation for the neighboring residents.

The developer contends that the 10-foot high building on the property line would be similar to a wall along the property line. However, this would put the industrial use right against the residential property line. Staff is recommending that the developer install an eight-foot high decorative masonry wall on the property line and provide the 20-foot landscaped setback. The setback would provide more light and air for the residents, and trees planted within the landscaped area would create a more aesthetically pleasing buffer between the two uses.

The developer offered the adjacent residents \$1,000 to be used to enhance the landscaping in their own rear yards. This solution puts the responsibility of landscaping enhancement on the residents, thereby reducing their already small rear yards and there is no assurance that the funds would be used accordingly. The developer should bear the responsibility of the installation and maintenance of the required buffer. The property is large enough for the developer to maintain a 20-foot setback from the mobile home park and construct one or two-story buildings on the remainder of the site.

In order for the Planning Commission to approve the variance, the Zoning Ordinance requires these three findings be made:

- There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints.
- Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification.
- The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

It is staff's opinion that the property does not possess any special circumstances as it is a flat rectangular parcel without any physical constraints. The City has not issued a variance to allow an industrial building to be located on a property that abuts a mobile home park; therefore, the developer would not be deprived of a privilege enjoyed by others. By granting this variance the project would be receiving a special privilege inconsistent with the limitations put upon other properties in this vicinity as no other industrial buildings are on a property line adjacent to other mobile home parks. For these reasons staff cannot support the proposed variance.

Neighborhood Input

Prior to filing an application with the City, the developer presented two plans to the adjacent mobile home residents. "Site Plan A" was designed with a three-story building at the 20-foot setback line; "Site Plan B" is the plan the applicant submitted for processing to the Planning Commission. The applicant encouraged the residents to support "Site Plan B" and, in exchange, the developer offered the residents:

1. Construction of a 10-foot concrete fence (building on property line).
2. A \$1,000 landscaping allowance.
3. Free use of a storage unit for one year.
4. Limiting customer access from 7:00 am to 7:00 pm.
5. Moving the three story main building to a 45-foot setback.

With the incentives, the developer was able to obtain ten letters of support (see Exhibit C). It is staff's opinion that neither option is appropriate. A more acceptable design would include a two-story building setback 20 feet from the common property line to minimize the overbearing presence on the adjacent residents.

ENVIRONMENTAL REVIEW:

The proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270 (a), Projects that are disapproved.


PUBLIC NOTICE:

On June 1, 2005, a notice of the application submittal was mailed to every property owner and occupant within 300 feet of the property as noted on the latest assessor's records. There were no responses received from that notice. On September 8, 2005 a notice of public hearing was mailed to the same owners and occupants. At the time the report was prepared no responses have been received.

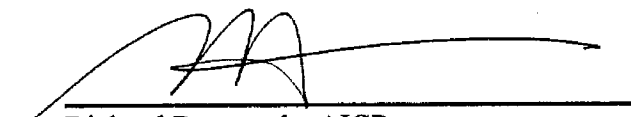
CONCLUSION:

The property does not possess any special circumstances as it is a flat rectangular parcel without any physical constraints. By granting this variance, the project would be receiving a special privilege inconsistent with the limitations put upon other properties in the Industrial District. Staff recommends that the Planning Commission deny the application. Should the Planning Commission support the variance request, CEQA review would need to be conducted and this matter would need to be returned with the appropriate findings and conditions of approval.

Prepared by:

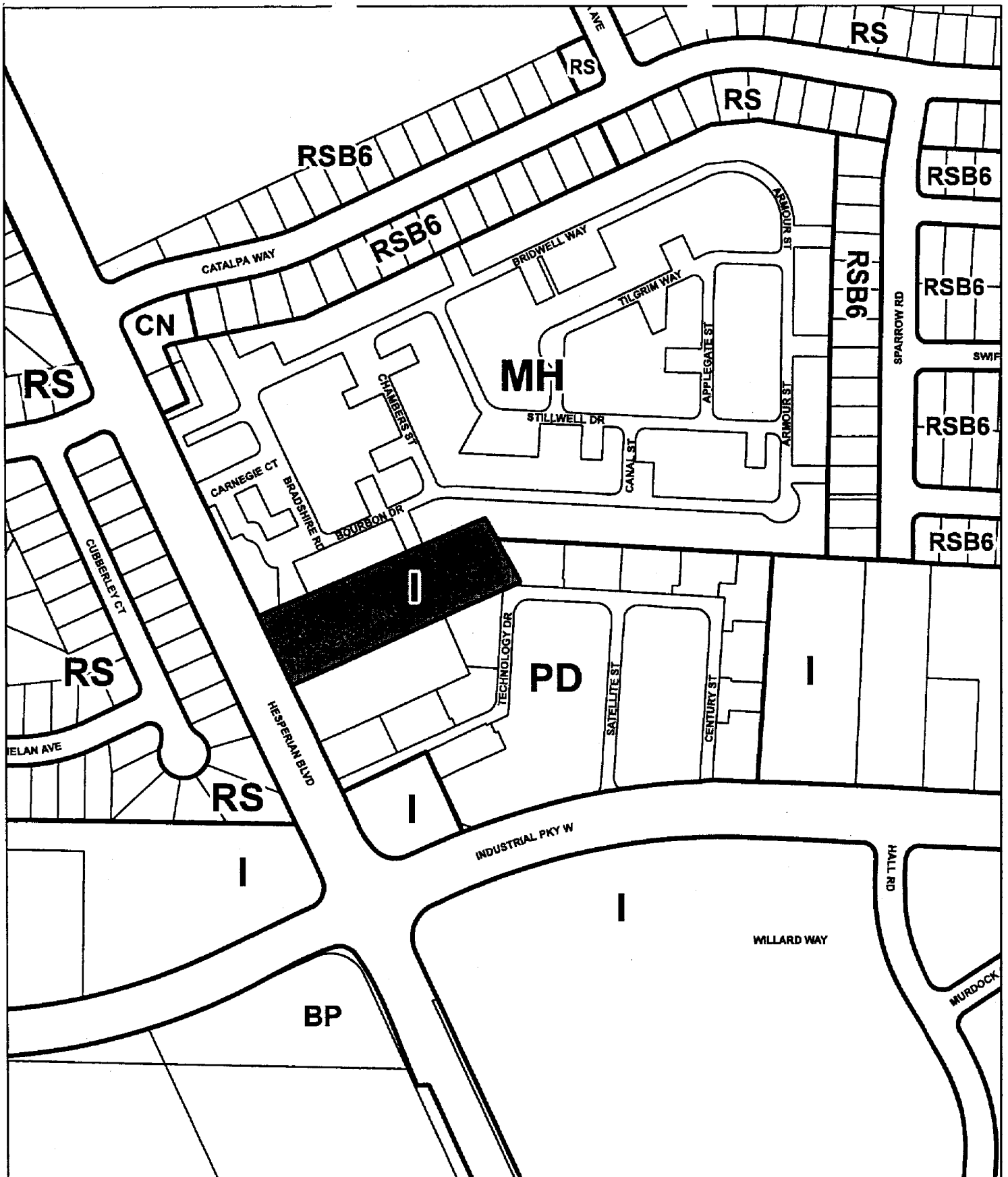

Tim R. Koonze
Assistant Planner

Recommended by:


Richard Patenaude, AICP
Principal Planner

Attachments:

- A. Area Map
- B. Findings for Denial
- C. Letters from mobile home park residents
Plans



Area & Zoning Map

PL-2005-249

VAR-2005-250

Address: 28410 Hesperian Boulevard

Applicant: Enea Properties Company, LLC

Owner: Enea Properties Company, LLC



I - Industrial

CN - Neighborhood Commercial

MH - Mobile Home Park

PD - Planned Development

RS - Single Family Residential (Min. Lot Size - 4,000 Sq. Ft.)

RSB6 - Single Family Residential (Min. Lot Size - 6,000 Sq. Ft.)

**CITY OF HAYWARD
PLANNING DIVISION**

September 22, 2005

Use Permit No. PL-2005-0249 / Variance No. PL-2005- 0250 – St. Michaels Investment, L.P. ETAL (Applicant/Owner) – Request to Construct a Public Self Storage Facility With a Variance to Construct a Building on a Property Line Abutting a Mobile Home Park where a 20-Foot Yard is Required

The Project is Located at 28410 Hesperian Boulevard in an Industrial Zoning District

FINDINGS FOR DENIAL

- A. Administrative Use Permit PL 2005-0249, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is statutorily exempt from CEQA review under Section 15270 (a), Projects Which are Disapproved.
- B. There are no special circumstances applicable to the property in that the lot is a large rectangular flat parcel typical of industrial lots in Hayward.
- C. Strict application of the Zoning Ordinance does not deprive such property of privileges enjoyed by other industrial properties in Hayward in that a variance to allow industrial buildings on property lines common with residential use are not common where the property is of sufficient size to accommodate a design without a variance.
- D. The variance would constitute a grant of a special privilege inconsistent with the limitations upon other industrial properties in Hayward in that a variance to allow industrial buildings on property lines common with residential use are not common where the property is of sufficient size to accommodate a design without a variance.

EPC

Enea Properties Company, LLC

RECEIVED

OCT 03 2005

EXHIBIT B
Enea Prop
190 Hartz Ave., Ste. 260
Danville, CA 94526
(925) 314-1470
fax (925) 314-1475
rse@st-michael-investments.com

Hand Delivered & PLANNING DIVISION
Sent Via Email Tim.koonze@hayward-ca.gov

October 3, 2005

Mr. Tim Koonze
Hayward City Hall
Planning Division
777 B Street
Hayward, CA 94541

RECEIVED

OCT 03 2005

PLANNING DIVISION

Re: Use Permit No. PL-2005-0249 / Variance No. PL-2005-0250

Dear Mr. Koonze,

This letter will serve as our formal request to appeal the Planning Commission's decision to deny (without prejudice) the above referenced application on September 22, 2005. Our request for an appeal is based on the belief that certain findings can be made to support the requested variance. Those findings are as follows:

THERE ARE SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY INCLUDING SIZE, SHAPE, TOPOGRAPHY, LOCATION, OR SURROUNDINGS, OR OTHER PHYSICAL CONSTRAINTS

1.) We feel the subject property represents a special circumstance in that the shape and location of the parcel are not typical to a standard condition where Industrial zoning abuts a residential district.

Because the subject property is long and rectangular (150 x 513 ave) it is more difficult to develop with the required setback. To require a 20-foot-wide landscape setback along the side property line means that approximately thirteen percent (13%) of the subject property would be unusable for the proposed use. In addition, the proposed one-story building would act as noise buffer for the adjacent mobile home residents more than the provision for a 20-foot-wide landscape setback.

STRICT APPLICATION OF THE ZONING ORDINANCE DEPRIVES SUCH PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTY IN THE VICINITY UNDER THE SAME ZONING CLASSIFICATION.

2.) Other properties in the immediate vicinity and with the same industrial zoning classification that do not abut residentially zoned property do not have this cumbersome 20-foot-wide landscape setback requirement.

In addition, other communities in the Bay Area all have self storage facilities built adjacent to residential uses with zero setbacks and no adverse impacts to the residents. To the contrary, self-storage facilities make good neighbors.

THE VARIANCE DOES NOT CONSTITUTE A GRANT OF A SPECIAL PRIVILEGE INCONSISTENT WITH THE LIMITATIONS UPON OTHER PROPERTIES IN THE VICINITY AND ZONE IN WHICH THE PROPERTY IS SITUATED.

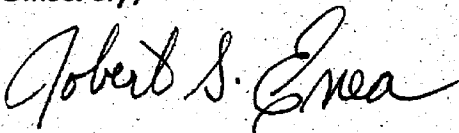
3.) The City of Hayward has on at least three occasions approved variances to allow a reduction of the required 20-foot setback where the Industrial District abuts residential zoned property. These other variances were requested because of site constraints which would lessen the amount of development on the site.

In conclusion, the purpose of processing a conditional use permit in the Industrial District where land abuts residential zoning is to assure that certain uses are permitted where there is a community need, and to assure that the use occurs in maximum harmony with the area and in accordance with official City Policies. Our market studies indicate a need for additional self-storage space in the community. We are proposing to construct a well designed, well planned, high quality project that will be a benefit to the community.

The purpose of processing a variance is to ensure that the proposed development does not have an adverse negative impact on the adjoining residents. We have worked diligently with the residents, listened and responded to their concerns and have garnered their support of the proposed project. There is no opposition to our project. The proposed project replaces a "Junk Yard" and is well planned, well thought out and will be a fine addition to the community.

Tim, we appreciate your continuing courtesy and professionalism and look forward to the opportunity to plead our case before the City Council.

Sincerely,



Robert S. Enea
Managing Member

Resident Questionnaire:

Name: Sharon E. Schlereth & Steven A. Schlereth

Address: 2360 BOURBON DR.

Phone Number: 786-9657

☒ I would support Site Plan B contingent upon the following:

- 1.) The construction of 10 ft concrete fence.
- 2.) Receiving a one time landscape allowance of \$1,000.00.
- 3.) Receiving use of a storage unit for one year at no cost.
- 3.) Limiting customer access from 7:00 AM to 7:00 PM.
- 4.) Moving the 3 story main building set back to 45 feet.

* 5.) T.V. Reception for our Direct T.V. Dish.

☐ I would not support Site Plan B.

Resident Signature: Sharon E. Schlereth
Steven A. Schlereth

Comments: Many of us have Direct T.V.
and are concerned with being able
to get our signal over the fence
and buildings that you propose to build.

Project #
PL-2005-0249 UP
PL-2005-0250 VAR

RECEIVED

MAY 20 2005

PLANNING DIVISION

Resident Questionnaire:

Name: Mark Turnquist

Address: 2430 Bourbon Dr.

Phone Number: 259-1199

Project #
PL-2005-0249 UP
PL-2005-0250 VAR

☒ I would support Site Plan B contingent upon the following:

- 1.) The construction of 10 ft concrete fence.
- 2.) Receiving a one time landscape allowance of \$1,000.00.
- 3.) Receiving use of a storage unit for one year at no cost.
- 3.) Limiting customer access from 7:00 AM to 7:00 PM.
- 4.) Moving the 3 story main building set back to 45 feet.

☐ I would not support Site Plan B.

RECEIVED

MAY 20 2005

Resident Signature: Mark A. Turnquist

PLANNING DIVISION

Comments: * Remove Mobil Home Park's old fence in conjunction with your 10' concrete fence.

My unit is adjoining your lot. When you build your concrete fence, will you be in contact with "George" the Park manager to level out the old fence since your new fence will be concrete we won't need our old wood fence?

Resident Questionnaire:

Name: MARIAN MERRITT

Address: 2332 BOURBON DR.

Phone Number: 510-732-1756

☒ I would support Site Plan B contingent upon the following:

- 1.) The construction of 10 ft concrete fence.
- 2.) Receiving a one time landscape allowance of \$1,000.00.
- 3.) Receiving use of a storage unit for one year at no cost.
- 3.) Limiting customer access from 7:00 AM to 7:00 PM.
- 4.) Moving the 3 story main building set back to 45 feet.

☐ I would not support Site Plan B.

Resident Signature: Marian Merritt

Comments: TV Reception for our
direct TV. Dish

Project #
PL-2005-0249 UP
PL-2005-0250 VAR

C-3

RECEIVED

MAY 20 2005

PLANNING DIVISION

Resident Questionnaire:

Name: Jessica Sturholm
Address: 2378 Bourbon Drive
Phone Number: 782-5915

☒ I would support Site Plan B contingent upon the following:

- 1.) The construction of 10 ft concrete fence.
- 2.) Receiving a one time landscape allowance of \$1,000.00.
- 3.) Receiving use of a storage unit for one year at no cost.
- 3.) Limiting customer access from 7:00 AM to 7:00 PM.
- 4.) Moving the 3 story main building set back to 45 feet.

☐ I would not support Site Plan B.

Resident Signature: Jessica Sturholm

Comments: We have a satellite dish that needs a clear view of the southern sky and either building may inter-fer.? How can this be resolved.

RECEIVED

MAY 20 2005

Resident Questionnaire:

Name: Deborah Wesley

Address: 2308 Baurkam Dr

Phone Number: 510-265-0716

☒ I would support Site Plan B contingent upon the following:

- 1.) The construction of 10 ft concrete fence.
- 2.) Receiving a one time landscape allowance of \$1,000.00.
- 3.) Receiving use of a storage unit for one year at no cost.
- 3.) Limiting customer access from 7:00 AM to 7:00 PM.
- 4.) Moving the 3 story main building set back to 45 feet.
- 6.) Would like to ensure my Direct TV Service.

☐ I would not support Site Plan B.

Resident Signature: Deborah Wesley

Comments: _____

Project #
PL-2005-0249 UP
PL-2005-0250 VAR
C-5

RECEIVED

MAY 20 2005

PLANNING DIVISION

Resident Questionnaire:

Name: Susan Sanchez

Address: 2438 Bourbon Dr.

Phone Number: 510-785 9578

☒ I would support Site Plan B contingent upon the following:

- 1.) The construction of 10 ft concrete fence.
- 2.) Receiving a one time landscape allowance of \$1,000.00.
- 3.) Receiving use of a storage unit for one year at no cost.
- 3.) Limiting customer access from 7:00 AM to 7:00 PM.
- 4.) Moving the 3 story main building set back to 45 feet.

☐ I would not support Site Plan B.

Resident Signature: Susan Sanchez

Comments: I agree that it's a
good idea to construct a
concrete (10ft high) fence

Project #
PL-2005-0249 UP
PL-2005-0250 VAR

RECEIVED

MAY 20 2005

PLANNING DIVISION

Resident Questionnaire:

Name: Esther Chavez

Address: 2422 Bourbon PR

Phone Number: 784-0979

☒ I would support Site Plan B contingent upon the following:

- 1.) The construction of 10 ft concrete fence.
- 2.) Receiving a one time landscape allowance of \$1,000.00.
- 3.) Receiving use of a storage unit for one year at no cost.
- 3.) Limiting customer access from 7:00 AM to 7:00 PM.
- 4.) Moving the 3 story main building set back to 45 feet.
- 5.) if need satellite assistance / potential blockage

☐ I would not support Site Plan B.

Resident Signature: Mary E. Chavez

Comments: _____

Project #
PL-2005-0249 UP
PL-2005-0250 VAR

C-7

RECEIVED

MAY 20 2005

PLANNING DIVISION

Resident Questionnaire:

Name: RAIPH / TERESITA BAREO

Address: 2396 BOURBON DRIVE

Phone Number: (510) 732-5844

☒ I would support Site Plan B contingent upon the following:

- 1.) The construction of 10 ft concrete fence.
- 2.) Receiving a one time landscape allowance of \$1,000.00.
- 3.) Receiving use of a storage unit for one year at no cost.
- 3.) Limiting customer access from 7:00 AM to 7:00 PM.
- 4.) Moving the 3 story main building set back to 45 feet.
- 5.) ARISING PROBLEMS WITH SATELLITE DISC (DIRECTV) FROM SIGNAL BLOCKAGE OR INTERFERENCE SHOULD BE ADDRESSED PROMPTLY + ACCORDINGLY.

☐ I would not support Site Plan B.

Resident Signature: TERESITA BAREO

Comments: OUR HOUSE IS UP "FOR SALE", SO WE WOULD LIKE TO PASS ON THE CONTINGENCY TO THE BUYER OR FUTURE OCCUPANTS OF OUR HOUSE.

RECEIVED

MAY 20 2005

PLANNING DIVISION

Project #
PL-2005-0249 UP
PL-2005-0250 VAR

Resident Questionnaire:

Name: John & Evelyn Bowen
Address: 2454 Bourbon Dr.
Phone Number: 510-783-5107

☒ I would support Site Plan B contingent upon the following:

- 1.) The construction of 10 ft concrete fence.
- 2.) Receiving a one time landscape allowance of \$1,000.00.
- 3.) Receiving use of a storage unit for one year at no cost.
- 3.) Limiting customer access from 7:00 AM to 7:00 PM.
- 4.) Moving the 3 story main building set back to 45 feet.

☐ I would not support Site Plan B.

Resident Signature: _____

Comments: _____

Project #
PL-2005-0249 UP
PL-2005-0250 VAR

RECEIVED

MAY 20 2005

PLANNING DIVISION

Resident Questionnaire:

Name: J. CARMEN Y MARTINA GUTIERREZ

Address: 2414 BOURBON DR.

Phone Number: (510) 782-2764

☒ I would support Site Plan B contingent upon the following:

- 1.) The construction of 10 ft concrete fence.
- 2.) Receiving a one time landscape allowance of \$1,000.00.
- 3.) Receiving use of a storage unit for one year at no cost.
- 3.) Limiting customer access from 7:00 AM to 7:00 PM.
- 4.) Moving the 3 story main building set back to 45 feet.
- * 5.) ASSURANCE that my direct TV signal will not be blocked

☐ I would not support Site Plan B.

Resident Signature: J. Carmen Gutierrez
Martina Gutierrez

Comments: We do not have access to cable
T.V. and we are concerned that our Direct T.V.
Signal will be blocked.

Project #
PL-2005-0249 UP
PL-2005-0250 VAR

RECEIVED

MAY 20 2005

PLANNING DIVISION

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 05-

Introduced by Council Member _____

mal
11/15/05

**RESOLUTION DENYING THE APPEAL AND UPHOLDING
THE PLANNING COMMISSION'S DENIAL OF USE PERMIT
NO. PL-2005-0249 AND VARIANCE NO. PL 2005-0250**

WHEREAS, St. Michael's Investment, L.P., et al (Applicant/Owner) has applied for Use Permit No. PL-2005-0249 and Variance No. PL 2005-0250, which concerns a request to construct a public self-storage facility, and a variance to construct a building on the property line abutting the Eden Roc Mobile Home Park located at 28410 Hesperian Boulevard; and

WHEREAS, at its meeting of September 28, 2005, the Planning Commission denied the project without prejudice; and

WHEREAS, the proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to section 15270(a), Projects that are Disapproved; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines:

1. Administrative Use Permit PL-2005-0249 and Variance PL 2005-0250, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is statutorily exempt from CEQA review under section 15270(a), Projects Which are Disapproved.
2. There are no special circumstances applicable to the property in that the lot is a large rectangular flat parcel typical of industrial lots in Hayward.
3. Strict application of the Zoning Ordinance does not deprive such property of privileges enjoyed by other industrial properties in Hayward in that a variance to allow industrial buildings on property lines common with residential use are not common where the property is of sufficient size to accommodate a design without a variance.

4. The variance would constitute a grant of a special privilege inconsistent with the limitations upon other industrial properties in Hayward in that a variance to allow industrial buildings on property lines common with residential use are not common where the property is of sufficient size to accommodate a design without a variance.
5. The proposed use developed to the property line would be detrimental to the welfare of the general public in that the adjacent residents are not provided the light, air and separation normally associated with a buffer between industrial and residential uses.
6. The proposed use developed to the property line would not be in harmony with applicable City policies and the intent and purpose of the zoning district involved in that the adjacent residents are not provided the light, air and separation normally associated with a buffer between industrial and residential uses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the appeal of the Planning Commission's denial of Use Permit No. PL 2005-0249 and Variance No. PL 2005-0250, is denied, and the Planning Commission's denial of the project is upheld.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**